

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 16-11613-RGS

EGENERA, INC.

v.

CISCO CORPORATION

**SPECIAL VERDICT QUESTIONS FOR THE JURY**

August 15, 2022

*Please answer Question 1.*

Question 1. Has Egenera proven by a preponderance of the evidence that Cisco literally infringed (directly and/or indirectly) the following claims of U.S. Patent No. 7,231,430 (the '430 patent)? (Please answer "yes" or "no" for each claim.)

a. Claim 3      No

b. Claim 7      No

*For each claim that you found not literally infringed, please determine if that claim was infringed under the doctrine of equivalents. (That is, please answer Question 2a only if you answered "no" to Question 1a; and answer Question 2b only if you answered "no" to Question 1b.)*

Question 2. Has Egenera proven by a preponderance of the evidence that Cisco infringed under the doctrine of equivalents (directly and/or indirectly) the following claims of the '430 patent? (Please answer "yes" or "no".)

a. Claim 3      No

b. Claim 7      No

*If you answered “yes” to Question 2a, please answer Question 3.*

**Question 3.** Please place a check next to each element of claim 3 that you found met under the doctrine of equivalents (DOE).

	Claim 3.	DOE?
3c	said at least one control node including logic to receive messages from the plurality of computer processors, wherein said received messages are addressed to the external communication network and to the external storage network and said at least one control node including logic to modify said received messages to transmit said modified messages to the external communication network and to the external storage network	
3d	configuration logic for receiving and responding to said software commands, said software commands specifying (i) a number of processors for a virtual processing area network	
3h	to program said corresponding set of computer processors and the internal communication network to establish the specified virtual local area network topology	
3i	to program the at least one control node to define a virtual storage space for the virtual processing area network, said virtual storage space having a defined correspondence to a subset of the external storage address space of the external storage network	
3j	wherein the at least one control node receives, via the internal communication network, storage messages from said corresponding set of computer processors, and wherein the at least one control node includes logic to extract an address from a received storage message, to identify the defined corresponding address in the external storage address space, and to provide messages on the external storage network corresponding to the received storage messages and having the corresponding address	

*If you answered “yes” to Question 2b, please answer Question 4.*

**Question 4.** Please place a check next to each element of claim 7 that you found met under the doctrine of equivalents (DOE).

	Claim 7.	DOE?
7c	receiving software commands specifying (i) a number of processors for a virtual processing area network	
7g	under programmatic control and in response to the software commands, programming said corresponding set of computer processor; and the internal communication network to establish the specified virtual local area network topology providing communication among said corresponding set of computer processors but excluding the processors from the plurality not in said set	
7h	under programmatic control and in response to the software commands, programming the at least one control node to define a virtual storage space of the virtual processing network, said virtual storage space having a defined correspondence to a subset of the external storage address space of the external storage network	
7i	wherein messages from the plurality of computer processors to the external communication network and to the external storage network are received and modified by the least one control node, which transmits the modified messages to the external communication network and to the external storage network	
7j	wherein the at least one control node receives, via the internal communication network, storage messages from said corresponding set of computer processors, axed wherein the at least one control node extracts am address from a received storage message, identifies the defined corresponding address in the external storage address space, and provides messages on the external storage network corresponding to the received storage messages and having the corresponding address	

*Please answer Question 5.*

**Question 5.** Has Cisco proven by clear and convincing evidence that the following claims of the '430 patent are invalid? (Please answer “yes” or “no” for each claim.)

a. Claim 3 No

b. Claim 7 No

*If you found any of the claims infringed and not invalid (that is, if (1) you answered “yes” to Question 1a or Question 2a, and you answered “no” to Question 5a; and/or (2) you answered “yes” to Question 1b or Question 2b, and you answered “no” to Question 5b), please answer Question 6. Otherwise you have reached a verdict and please proceed to page 5.*

Question 6. What is the total dollar amount, if any, that you find adequately compensates Egenera for Cisco’s infringement?

\$ \_\_\_\_\_  
(amount in figures)

\_\_\_\_\_  
(amount in words)

*If you awarded damages in Question 6, please answer Question 7.*

Question 7. Does the amount you award in Question 6 represent a running royalty from August 5, 2016 through February 28, 2022; or does it represent a one-time royalty payment for the life of the ’430 patent? (Please check only one of the following.)

\_\_\_\_\_ Running royalty

\_\_\_\_\_ One-time life-of-the-patent royalty

*If you found that Cisco infringed any claim of the ’430 patent (that is, if you answered “yes” to any part of Questions 1 and 2), please answer Question 8.*

Question 8. Has Egenera proven by a preponderance of the evidence that Cisco’s infringement of the ’430 patent on and after August 5, 2016 was willful? (Please answer “yes” or “no”.)

\_\_\_\_\_

I certify that the foregoing answer(s) is (are) the unanimous answer(s) of the jury.

John C. Dermody  
Foreperson  
John C. Dermody

Dated: 8/15/2022